

**ASSEMBLY BILL**

**No. 2567**

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**Introduced by Assembly Member Carter**

February 24, 2012

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An act to amend Section 53756 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2567, as introduced, Carter. Sewer collection agency: schedule of fees.

Articles XIII C and XIII D of the California Constitution, generally requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution. Existing law establishes notice, protest, and hearing procedures for the levying of new or increased fees and charges by local government agencies pursuant to Articles XIII C and XIII D of the California Constitution. Existing law authorizes an agency that provides water, sewer, or refuse collection service to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water or adjustments for inflation, if it complies with specified procedures.

This bill would additionally authorize a sewer collection agency that charges a fee that includes a pass through increase in water treatment fees charged by a water treatment agency to adopt a schedule of fees or charges authorizing automatic adjustments in the amount of that fee, if that agency complies with specified procedures.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 53756 of the Government Code is  
2 amended to read:  
3 53756. (a) An agency providing water, sewer, or refuse  
4 collection service may adopt a schedule of fees or charges  
5 authorizing automatic adjustments that pass through increases in  
6 wholesale charges for water or adjustments for inflation, if it  
7 complies with all of the following:  
8 ~~(a)~~  
9 (1) It adopts the schedule of fees or charges for a  
10 property-related service for a period not to exceed five years  
11 pursuant to Section 53755.  
12 ~~(b)~~  
13 (2) The schedule of fees or charges may include a schedule of  
14 adjustments, including a clearly defined formula for adjusting for  
15 inflation. Any inflation adjustment to a fee or charge for a  
16 property-related service shall not exceed the cost of providing that  
17 service.  
18 ~~(c)~~  
19 (3) The schedule of fees or charges for an agency that purchases  
20 wholesale water from a public agency may provide for automatic  
21 adjustments that pass through the adopted increases or decreases  
22 in the wholesale charges for water established by the other agency.  
23 ~~(d)~~  
24 (4) Notice of any adjustment pursuant to the schedule shall be  
25 given pursuant to subdivision (a) of Section 53755, not less than  
26 30 days before the effective date of the adjustment.  
27 (b) *This section shall apply to a sewer collection agency that*  
28 *charges a fee that includes a pass through increase in water*  
29 *treatment fees charged by a water treatment agency, if that agency*  
30 *complies with the requirements of paragraphs (1) to (4), inclusive,*  
31 *of subdivision (a).*